

General Rules and Regulations for Paleontological Resource Protection

North Dakota Industrial Commission

Adopted July 6, 1989

CONTENTS

PART I

Statute

Section

| | | |
|------------|---|---|
| 54-17.3-01 | Definitions | 1 |
| 54-17.3-02 | Jurisdiction of the commission | 1 |
| 54-17.3-03 | Permit required | 1 |
| 54-17.3-04 | Permit - Duration - Revocation | 2 |
| 54-17.3-05 | Coordination of quaternary fossil funds | 2 |
| 54-17.3-06 | Protection of paleontological specimens and sites | 2 |
| 54-17.3-07 | Transfer of paleontological resources | 2 |
| 54-17.3-08 | Violation of sections 54-17.3-01 through 54-17.3-08 - Penalty | 2 |

PART II

Rules and Regulations

Definitions

| | | |
|-------------|-------------------|---|
| 43-04-01-01 | Definitions | 4 |
|-------------|-------------------|---|

Permit Program

| | | |
|-------------|--------------------------------------|---|
| 43-04-02-01 | Qualifications of Applicants | 5 |
| 43-04-02-02 | Procedue of Application | 5 |
| 43-04-02-03 | Requirements for Permitholders | 6 |

PART I - STATUTE

North Dakota Century Code Chapter 54-17.3

PALEONTOLOGICAL RESOURCE PROTECTION

Section

| | |
|------------|---|
| 54-17.3-01 | Definitions |
| 54-17.3-02 | Jurisdiction of the commission |
| 54-17.3-03 | Permit required |
| 54-17.3-04 | Permit - Duration - Revocation |
| 54-17.3-05 | Coordination of quaternary fossil funds |
| 54-17.3-06 | Protection of paleontological specimens and sites |
| 54-17.3-07 | Transfer of paleontological resources |
| 54-17.3-08 | Violation of sections 54-17.3-01 through 54-17.3-08 - Penalty |

54-17.3-01. Definitions. As used in sections 54-17.3-01 through 54-17.3-08, unless the context otherwise requires:

1. “Commission” means the North Dakota industrial commission.
2. “Paleontological resource” means any significant remains, trace, or imprint of a plant or animal that has been preserved by natural causes in earth materials and the localities in which they are found.

Source: S.L. 1989, ch. 645, § 1.

Effective Date. The act which added this chapter became effective July 6, 1989, 90 days after filing, pursuant to N.D. Const., Art. IV, § 13.

54-17.3-02. Jurisdiction of the commission. The commission, acting through the office of the state geologist, has jurisdiction and authority to enforce the provisions of sections 54-17.3-01 through 54-17.3-08. The commission has authority to make such investigations as it deems proper to determine whether facts exist which justify action by the commission. The commission has authority to adopt rules and issue orders to effectuate the provisions of sections 54-17.3-01 through 54-17.3-08.

Source: S.L. 1989, ch. 645, § 2.

54-17.3-03. Permit required. A permit must be obtained by any person, organization, institution, or company engaged on one’s own behalf or on behalf of another to:

1. Identify or evaluate paleontological resources to satisfy state or federal requirements; or
2. Investigate, excavate, collect, or otherwise record paleontological resources on land owned by the state or its political subdivisions.

A permit may be issued upon filing of an application that contains information prescribed by the state geologist and upon the applicant's payment to the state geologist of the fee set by the state geologist. The state geologist may waive the fee requirement if the applicant is an instrumentality of the state. A permit may be issued only for the activities and at the locations described in the permit application.

Source: S.L. 1989, ch. 645, § 3.

54-17.3-04. Permit - Duration - Revocation. A permit issued under sections 54-17.3-01 through 54-17.3-08 expires on December thirty-first of the year in which it is issued. A permit may be extended upon written request to the state geologist before expiration of the permit and upon payment to the state geologist of the fee set by the state geologist. A permit may be revoked at any time if it appears the permittee secured the permit through false information or that any activities performed by the permittee are being conducted negligently or improperly, or without regard for the careful preservation and conservation of the paleontological resource.

Source: S.L. 1989, ch. 645, § 4.

54-17.3-05. Coordination of quaternary fossil finds. The state geologist shall notify the director of the state historical society of all quaternary paleontological finds reported to the state geologist which potentially or actually contain cultural resources. The treatment of sites containing both paleontological remains and cultural resources must be handled in a manner jointly agreed upon by the state geologist and the director. The term cultural resources has the same definition as the term is defined in section 55-03-00.1.

Source: S.L. 1989, ch. 645, § 5.

54-17.3-06. Protection of paleontological specimens and sites. Any paleontological resource found or located upon any land owned by the state or its political subdivisions may not be destroyed, defaced, altered, removed, or otherwise disposed of in any manner without approval of the state geologist. The state geologist shall determine the significance of the paleontological resource to the understanding of the paleontologic and geologic history of North Dakota. It is the responsibility of the state and its political subdivisions to cooperate with the state geologist in identifying and implementing any reasonable alternative to destruction or alteration of any paleontological resource.

Source: S.L. 1989, ch. 645, § 6.

54-17.3-07. Transfer of paleontological resources. The state geologist may exchange with or transfer to universities, colleges, governmental bodies, and scientific institutions duplicate paleontological resources it holds. The state historical society must receive preference for the receipt of duplicate paleontological resources.

Source: S.L. 1989, ch. 645, § 7.

54-17.3-08. Violation of sections 54-17.3-01 through 54-17.3-08 - Penalty. Any person violating any provision of sections 54-17.3-01 through 54-17.3-08 is guilty of a class B misdemeanor and shall forfeit to the state

all paleontological specimens discovered by the violator at that site. Any such violation is considered to have been committed in the county where the exploration, collecting, or excavation for paleontological resources was undertaken.

Source: S.L. 1989, ch. 645, § 8.

PART II - RULES AND REGULATIONS

North Dakota Administrative Code Chapter 43-04

GEOLOGICAL SURVEY PALEONTOLOGICAL RESOURCE PROTECTION

| | |
|----------|----------------|
| Chapter | |
| 43-04-01 | Definitions |
| 43-04-02 | Permit Program |

CHAPTER 43-04-01

DEFINITIONS

| | |
|-------------|-------------|
| Section | |
| 43-04-01-01 | Definitions |

43-04-01-01. Definitions.

1. “Large scale excavation permit” is a permit issued by the state geologist that allows large scale excavation or quarrying of paleontological resources (excavations that disturb a surface area of more than eighteen square feet [1.67 square meters] of material).
2. “Minimum excavation and surface collecting permit” is a permit issued by the state geologist that allows the collection of paleontological resources found at the surface or removal of specimens with hand tools without extensive excavation.
3. “Modified minimum excavation and surface collecting permit” is a permit issued by the state geologist to amateur collectors that allows collection only of paleontological resources that have completely weathered out of the rock or sediment.
4. “Paleontological resource” must be defined as in North Dakota Century Code section 54-17.3-01.
 - a. Vertebrate fossils and the localities in which they are found are assumed to be paleontological resources unless they are determined not to be significant by the state geologist (bison remains would generally not be considered significant except when found in cultural context).
 - b. Invertebrate, plant and trace fossils and the localities in which they are found are not considered paleontological resources unless they are determined to be significant by the state geologist (sites of unusually fine preservation and type localities, the places from which the first specimens of new fossil species were described would generally be considered paleontological resources).

History: Effective October 1, 1990.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-17.3-03

PERMIT PROGRAM

Section

- 43-04-02-01 Qualifications of Applicants
- 43-04-02-02 Procedure of Application
- 43-04-02-03 Requirements for Permitholders

43-04-02-01. Qualifications of applicants. Permits will be issued only to applicants who can demonstrate that they are qualified and have experience in conducting those activities. The general standards for a qualified applicant will be determined by the state geologist.

History: Effective October 1, 1990.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-17.3-03, 54-17.3-06

43-04-02-02. Procedure of application. Anyone wishing to collect paleontological resources on lands owned by the state or any of its political subdivisions must obtain a paleontological collecting permit. Whether or not a permit is required, the state geologist shall be contacted prior to paleontological mapping or collecting of fossils other than those defined as paleontological resources on lands owned by the state or its political subdivisions. Fossils found during those activities that are believed to be paleontological resources shall be reported to the state geologist.

Commercial collecting of paleontological resources from lands owned by the state or its political subdivisions is prohibited.

1. Information required on the permit application (available from the state geologist) is determined by the state geologist and may include, but is not limited to, the following:
 - a. Name, mailing address, and telephone number of the applicant.
 - b. Information to evaluate the qualifications of the applicant including a resume.
 - c. Type of permit requested (modified minimum excavation and surface collecting permit, minimum excavation and surface collecting permit, or large scale excavation permit).
 - d. Purpose of the proposed activity.
 - e. Location of the proposed activity.
 - f. Date (start and end of the proposed activity).
 - g. Names and affiliations of other individuals that will be involved in the proposed activity.
2. No permit processing fee will be charged.

3. The state geologist will review and respond to the permit application within thirty days after all the application materials have been submitted.

History: Effective October 1, 1990.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-17.3-03, 54-17.3-06

43-04-02-03. Requirements for permitholders. Requirements for permitholders are to be determined by the state geologist and must include, but not be limited to, the following:

1. Permits will be effective until December thirty-first of the year in which they are issued.
2. Permits will generally be issued for paleontological activities in geographically restricted areas. Individuals affiliated with North Dakota institutions may obtain a statewide permit. The names of students or field assistants under supervision of these statewide permitholders must be reported to the state geologist.
3. All paleontological resources collected from state-owned lands remain the property of North Dakota.
 - a. Permitholders not affiliated with a North Dakota institution must return to the geological survey a representative sample of the paleontological resources collected after an appropriate period of study.
 - b. What constitutes a representative sample and an appropriate period of study will be determined upon proposal and request by the collector at the end of the field activity and approved by the state geologist.
 - c. The representative sample is to be permanently repositied in the state fossil collection or, if preferred by the collector, into the paleontological collection of one of North Dakota's universities.
 - d. Remaining specimens must be deposited in a suitable repository, presumably the institution where the permitholder is affiliated, where they will be available for study and public display.
 - e. North Dakota resident permitholders affiliated with state institutions having a paleontological collection will be expected to curate specimens into that collection but, if they so desire, can deposit the specimens with the North Dakota geological survey for curation into the state fossil collection.
4. Upon termination of field activity or expiration or revocation of the permit, the permittee shall restore the site (remove all collecting equipment, fill in excavations, and so forth).
5. The state geologist may revoke the permit at any time if it appears that the circumstances warranting revocation as stated in North Dakota Century Code section 54-17.3-04 exist.

6. The permitholder will not be released from the requirements of the permit until all the outstanding obligations of the permit have been satisfied even if the term of the permit has expired.
7. The state geologist or the state geologist's representative has the right to visit the permit area at any time and inspect all paleontological resources collected under the permit.
8. A paleontological resource site record form, supplied by the state geologist, must be filled out for each fossil site identified.
9. Six months after the termination date of the permit, a final report, containing at least the following information must be submitted to the state geologist:
 - a. Paleontological collecting permit number.
 - b. Names and affiliations of all individuals involved with the permitted activity.
 - c. Discussion of the purpose of the activity.
 - d. Description of the area where the activity took place, including the plotting of site locations on 1:24,000 United States geological survey topographic maps.
 - e. Methods employed during the activity.
 - f. Preexcavation and postexcavation photographs of the site in the case of large-scale excavation permits.
 - g. Discussion of the results of the activity.
 - h. Description of the paleontological resources collected during the activity. This includes specimen accession or catalog numbers or both.
 - i. All paleontological resource site record forms.
10. A copy of all publications, such as journal publications or reports, resulting from the activity conducted under the permit must be submitted to the state geologist.
11. Upon request, copies of all field notes and other data relating to the permitted activity must be made available to the state geologist.

History: Effective October 1, 1990.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 54-17.3-03, 54-17.3-06

NORTH DAKOTA STATE FOSSIL COLLECTION

FOSSIL LOCALITY DATABASE

NDGS LOCALITY NUMBER: **ND** .

NORTH DAKOTA FOSSIL SITE NUMBER:

FOSSIL LOCALITY NAME:

GEOGRAPHIC DATA

LEGAL DESCRIPTION: T. N., R. W., SECTION:

QUARTER/QUARTER:

ELEVATION:

MILES/DIRECTION FROM NEAREST TOWN:

COUNTY:

STATE:

COUNTRY:

LAND OWNER:

GPS LAT:

GPS LOG:

QUAD MAP--NAME:

SCALE:

DATE:

AIRPHOTO #/DATE:

PHOTO #S:

DESCRIPTION OF SITE:

GEOLOGIC DATA

PERIOD:

EPOCH:

AGE:

FORMATION:

MEMBER:

BED:

LEVEL IN FORMATION:

LITHOLOGY:

MEASURED SECTION/AUTHOR:

TYPE SECTION:

SITE DIMENSIONS:

REMARKS:

PALEONTOLOGICAL DATA

FOSSILS-- VERTEBRATE:

INVERTEBRATE:

PLANT:

TRACE:

MICRO:

SPECIFIC TAXA:

FOSSIL ABUNDANCE:

FOSSIL PRESERVATION:

SITE SIGNIFICANCE:

REMARKS:

HISTORICAL AND COLLECTING DATA

COLLECTOR (S):

COLLECTOR FIELD LOCALITY NUMBER:

DATE COLLECTED:

PERMIT NUMBER:

ADDITIONAL COMMENTS:

ACCESSIONED BY:

DATE:

NORTH DAKOTA PALEONTOLOGICAL RESOURCE COLLECTING PERMIT

Type of Permit:

_____ Large scale excavation permit
_____ Minimum excavation and surface collecting permit
_____ Modified minimum excavation and surface collecting permit

Permission is hereby granted to (permittee):

Name: _____
Address: _____

Telephone #: _____

to collect paleontological resources from the following land owned by the state of North Dakota or its political subdivisions (include legal description, lat. and long., county, etc.):

This permit is issued for the purpose of:

This permit is accepted subject to the conditions set forth in North Dakota Administrative Code Chapter 43-04-02 (attached).

NAME OF PERMITTEE

AUTHORIZED OFFICER

TITLE

DATE

ISSUING OFFICER

TITLE

DATE